



**CITY OF NEWPORT BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
3300 NEWPORT BOULEVARD, BLDG. C
NEWPORT BEACH, CA 92658-8915
(949) 644- 3200**

Memorandum

To: Zoning Administrator
From: Melinda Whelan, Assistant Planner
Date: 11/27/2012
Re: 613 Poppy Avenue Home from Home Child Day Care Minor Use Permit Application
PA2012-127 for Use Permit No. UP 2012-021

The referenced application to expand an existing small child day care into a large child day care has been withdrawn by the applicant pursuant to the attached email sent to staff on November 27, 2012.

Whelan, Melinda

From: Whelan, Melinda
Sent: Tuesday, November 27, 2012 3:37 PM
To: Whelan, Melinda
Subject: FW: Kate Martin's application to withdraw request for the Use Permit No. 2012-021

11/27/12

Dear Melinda Whelan,

I would like to formally withdraw my application for a Use Permit No. 2012-021 as I understand that this is no longer a necessity as I agree to care for a maximum of eight children a day, four of whom will be infants, at my childcare facility. I fully understand that if I exceed the amount of eight children then I would be required to reapply for another Use Permit from the City of Newport Beach.

I also understand that I am no longer required to provide two parking spaces in my carport for the parents to use when they bring their children to my home at 613 Poppy Avenue, in Corona del Mar. In conclusion, I would like to take this opportunity to thank you for your all your help and guidance.

Yours sincerely,

Kate Martin.



COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION

3300 Newport Boulevard, Building C, Newport Beach, CA 92663
(949) 644-3200 Fax: (949) 644-3229

www.newportbeachca.gov

CITY OF NEWPORT BEACH ZONING ADMINISTRATOR STAFF REPORT

November 28, 2012

Agenda Item No. 2

SUBJECT: Home from Home Child Day Care
(PA2012-127)
613 Poppy Avenue
▪ Minor Use Permit No. UP2012-021

APPLICANT: Kate Martin

PLANNER: Melinda Whelan, Assistant Planner
(949) 644-3221, mwhelan@newportbeachca.gov

ZONING DISTRICT/GENERAL PLAN

- **Zone:** R-2 (Two-Family Residential)
- **General Plan:** RT (Two-Unit Residential)

PROJECT SUMMARY

A request for a minor use permit to convert an existing child day care home from a small licensed facility (up to eight children) to a large licensed facility (9-14 children). The property is developed with two detached dwelling units. The existing and proposed day care is located in the front single-story cottage unit and front yard area adjacent to Poppy Avenue. The rear unit is not accessible for the day care use. Parking for residents and the child day care would be provided by two existing garage spaces and two existing carport spaces (four spaces total). Proposed hours of operation are from 7:30 a.m. to 6:00 p.m. Monday through Friday.

RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Adopt Draft Zoning Administrator Resolution No. _ approving Minor Use Permit No. UP2012-021 (Attachment No. ZA 1).

DISCUSSION

- A small day care home has operated at this address for approximately 12 years. There has been 1 (one) citation issued by the City to clear the garage of obstructions which was addressed with no violation or further complaints (2008).
- The existing day care home is licensed by the State Department of Social Services and has been operating since 2000 with no complaints.
- The proposed conversion of the existing small day care into the large child day care home is permitted with the approval of a minor use permit by the Zoning Administrator and is subject to the development standards specific for large (9-14 children) child day care homes. The proposed large child day care home will comply with all of the development standards.
- The surrounding neighborhood is residential consisting of single and two-unit dwellings with the occasional multi-family dwelling. To help ensure the property remains residential in nature, staff's recommendation for approval includes a condition of approval limiting the number of children to ten.
- The lot is developed with two detached structures however; they are used only by the family that operates the day care. The front one-story cottage structure is where the home day care is operated. To ensure the use of the property is for single-family only, a condition of approval is included in the draft resolution that requires both dwellings to be used as a single-house keeping unit and prohibiting rental of the rear unit for the duration of the day care operation use.
- A large child day care home requires two off-street parking spaces for a drop-off and pick-up area in addition to the spaces required for the dwelling unit. These two spaces are provided by two carport spaces accessed from the alley. In addition to the two carport spaces there are two required spaces for the single-family dwelling which are provided by two garage spaces also accessed from the alley.
- The hours of operation as recommended by staff are 7:00 a.m. to 6:00 p.m., Monday through Friday with the use of outdoor play areas beginning after 8:00 a.m.
- A letter in opposition was received from a neighbor on November 20, 2012, and is provided in Attachment No. ZA 4.

ENVIRONMENTAL REVIEW

The project qualifies for Class 1 (Existing Facilities) categorical exemption, Section 15301 of the California Environmental Quality Act because it is for a minor use permit to convert an existing small child day care home to a large child day care that involves negligible or no expansion of the existing use.

PUBLIC NOTICE

Notice of this application was published in the Daily Pilot, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicant and posted on the subject property at least 10 days prior to the decision date, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

APPEAL PERIOD:

An appeal may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered unless a different period of time is specified by the Municipal Code (e.g., Title 19 allows ten (10) day appeal period for tentative parcel and tract maps, lot line adjustments, or lot mergers). For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

Prepared by:



Melinda Whelan
Assistant Planner

GR/msw

Attachments:	ZA 1	Draft Resolution
	ZA 2	Vicinity Map
	ZA 3	Project Plans
	ZA 4	Letter in Opposition

Attachment No. ZA 1

Draft Resolution

RESOLUTION NO. ZA2012-0##

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MINOR USE PERMIT NO. UP2012-021 FOR A LARGE CHILD DAY CARE HOME LOCATED AT 613 POPPY AVENUE (PA2012-127)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Kate Martin, with respect to property located at 613 Poppy Avenue, and legally described as Corona Del Mar, Block 643, Lot 13 requesting approval of a Minor Use Permit.
2. The applicant proposes to convert an existing at-home child day care from a small licensed facility (up to eight children) to a large licensed facility (9-14 children).
3. The subject property is located within the Two-Unit Residential (R-2) Zoning District and the General Plan Land Use Element category is Two-Unit Residential (RT).
4. The subject property is not located within the coastal zone.
5. A public hearing was held on November 28, 2012 in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt under the requirements of the California Environmental Quality Act under Class 1 (Existing Facilities) because it is for a minor use permit to convert an existing small child day care home to a large child day care that involves negligible or no expansion of the existing use.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.020 of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

A. The use is consistent with the General Plan and any applicable specific plan

Facts in Support of Finding:

1. The RT General Plan Land Use designation allows for single and two-family residential dwellings. The child day care home is located within the dwelling occupied by the operator.
2. The property is not within any specific plan.

Finding:

B. The use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Municipal Code

Facts in Support of Finding:

1. The R-2 Zoning District is intended to provide for a maximum of two residential dwelling units located on a single lot.
2. The existing small licensed (eight or fewer children) child day care home is considered a residential use of property and is permitted by right within the R-2 District. The existing small child day care has a license and complies with all of the applicable standards.
3. The proposed conversion of the existing small day care into the large child day care home is permitted with the approval of a minor use permit by the Zoning Administrator and is subject to the development standards specific for large (9-14 children) child day care homes. The proposed large child day care home will comply with all of the day care facility development standards.
4. The lot is developed with two detached structures however; they are both used by the family that operates the day care. The primary residence of the operator is in the front one-story cottage where the home day care is operated. To ensure the use of the property is for single-family only, requiring only two parking spaces for the residents, a condition of approval is included that requires both units be used as a single-house keeping unit and prohibiting rental of the rear unit for the duration of the day care operation use.
5. A large child day care home requires two off-street parking spaces for a drop-off and pick-up area in addition to the spaces required for the dwelling unit. These two spaces are provided by two carport spaces accessed from the alley. A condition of approval is included to ensure that these spaces are maintained clear and accessible for the drop-off and pick-up of children during the day care's hours of operation.
6. In addition to the two carport spaces there are two required spaces for the single-family dwelling which are provided by two garage spaces. These spaces are required to remain clear of obstructions for parking by the residents at all times.

Finding:

C. The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity

Facts in Support of Finding:

1. A small day care home has operated at this address for about 12 years. There has been only one citation issued by the City regarding accessibility of the garage parking spaces (2008). This issue was addressed and there have been no other violations or complaints.
2. The existing child day care is in good standing with the State Department of Social Services with a current license (established in 2000) and no complaints. A new license will be required for the large child day care.
3. The surrounding neighborhood is all residential consisting of single and two-unit dwellings with the occasional multi-family dwelling. Due to the limited on-site parking and the size and nature of the surrounding residential neighborhood, the large child day care is conditioned to have a maximum of ten children. Limiting the daytime occupants will help ensure that the use remains residential in nature, maintains the residential character of the neighborhood and does not create a detrimental impact.

Finding:

D. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities

Facts in Support of Finding:

1. The day care home is required to comply with all Fire and Building Code regulations are met.
2. All Fire Code regulations were met in order for the small home day care to receive a state license in 2000.
3. Adequate emergency accessibility to the property is provided.

Finding:

E. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, nor endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.

Facts in Support of Finding:

1. The existing and proposed child day care home provides a service to the surrounding community. The conversion into a large child day care home will allow only two additional children (ten instead of eight) and will not create or increase impact to the neighborhood.
2. Parking for the drop-off and pick-up of children is provided off-street within two existing carport spaces.
3. The hours of operation are limited to 7:00 a.m. to 6:00 p.m., Monday through Friday. Additionally, the use of the outdoor play areas by the children is allowed after 8:00 a.m.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves PA2012-127 for Minor Use Permit No. UP2012-021, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the Director of Community Development in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 28th DAY OF NOVEMBER, 2012.

Brenda Wisneski, AICP, Zoning Administrator

EXHIBIT "A"**CONDITIONS OF APPROVAL****PLANNING**

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. Use Permit No. 2012-127 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.91.050 of the Newport Beach Municipal Code, unless an extension is otherwise granted.
3. The detached dwelling units on-site shall be used as a single-house keeping unit and the rear unit shall not be rented independently for the duration of the child day care home use.
4. Customers of the day care shall use the two designated carport parking spaces accessible only through the alley at all times for the drop-off and pick-up area for children during the day care hours of operation. The carport spaces shall remain clear and accessible at all times.
5. The two on-site garage spaces shall remain clear and available for the resident parking at all times.
6. Customers shall not block or impede vehicular traffic along the adjacent public street or alley at any time.
7. The maximum number of children permitted shall be ten. A proposed change to the number shall be subject to review and approval by the Community Development Director.
8. The hours of operation for the child day care shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday. Use of the outdoor play areas shall be limited from 8:00 a.m. to 6:00 p.m.
9. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
10. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Use Permit.
11. This Use Permit may be modified or revoked by the Zoning Administrator should they determine that the proposed uses or conditions under which it is being operated or

maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.

12. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require an amendment to this Use Permit or the processing of a new Use Permit.
13. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
14. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Home from Home Child Day Care including, but not limited to, PA2012-127 for Minor Use Permit No. UP 2012-021. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Fire Department Conditions

15. Comply with all Guideline A.16 Large Family Day Care Home regulations.

Building Division Conditions

16. Comply with California Building Code 2010 definition of Family Day-Care Homes per Section 3.10.1.

Attachment No. ZA 2

Vicinity Map

VICINITY MAP



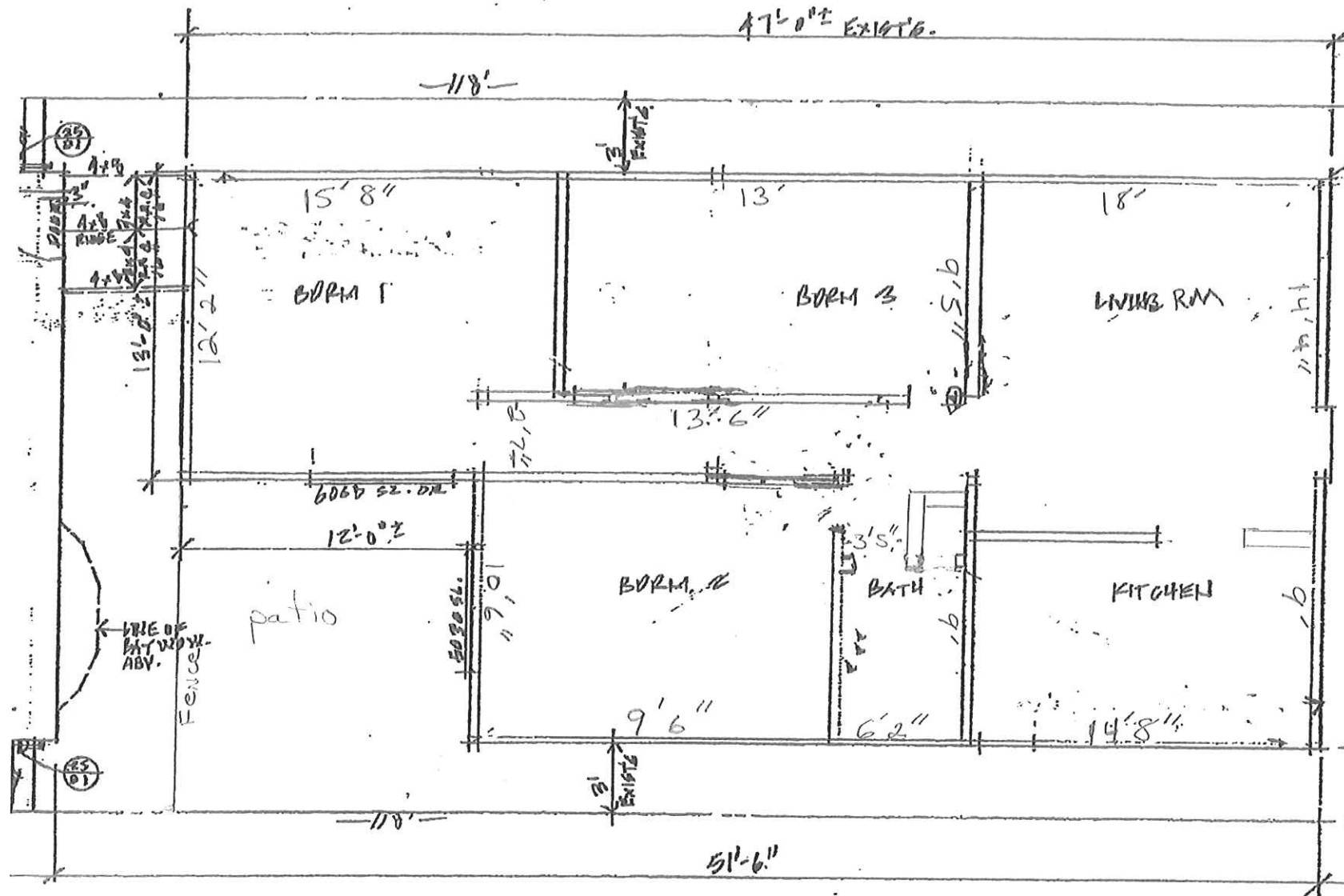
Minor Use Permit No. UP2012-021
PA2012-127

613 Poppy Avenue

Attachment No. ZA 3

Project Plans

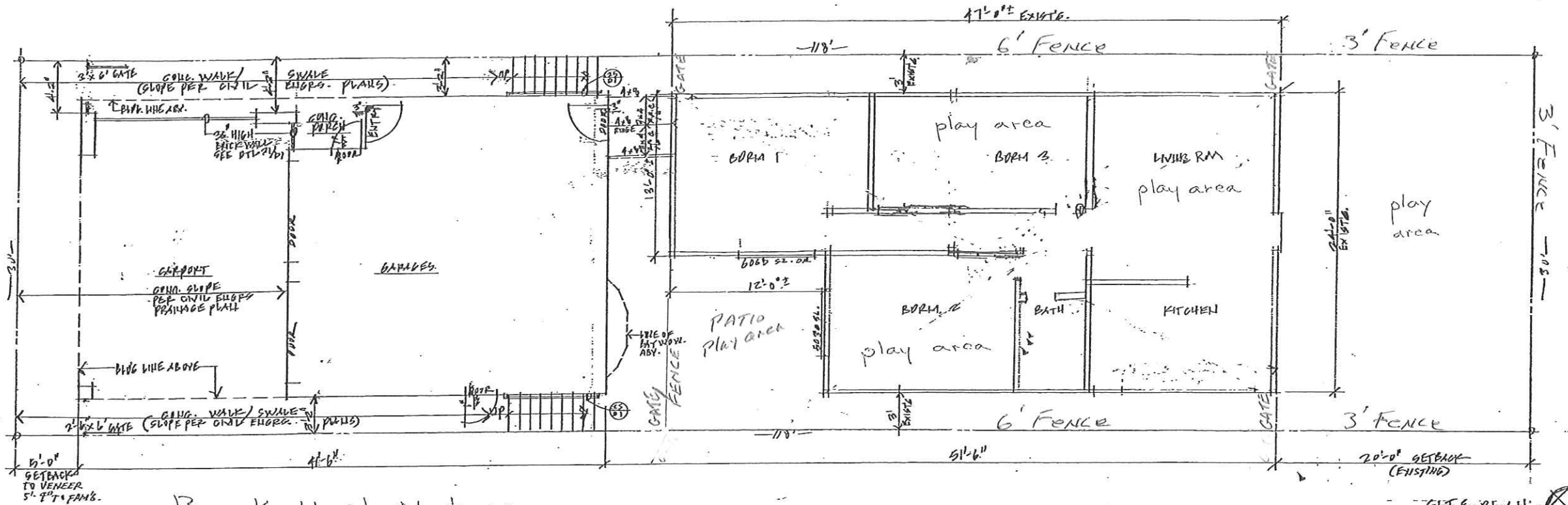
Floor Plan



PA2012-127 for UP2012-021
613 Poppy Avenue
Kate Martin

613 Poppy Ave
Corona Del Mar CA 92625
Sq. Ft. 1000
* EXIST.
* SEE G

Y
W
J
J
A



Poppy Ave

- * EXIST'G. FRONT UNIT = 9.96 S.F.
- * SEE CIVIL ENGINEERS GRADING PLAN FOR ALL FINISH FLOOR, FINISH SURFACE, DRAINAGE INFORMATION.
- * EXISTING FRONT UNIT TO REMAIN, AS-IS.

613 Poppy Ave
Corona Del Mar CA 92625

Attachment No. ZA 4

Letter in Opposition

11-18-12

To Melinda Whelan

The DAY-CARE AT 613 Poppy Ave. Lowers The PROPERTY VALUE, AND RENTAL VALUE, AND WOULD IMPEED MY EFFORTS TO SELL MY PROPERTY.

This DAY-CARE BUSINESS SHOULD NOT BE ALOUD IN A RESIDENTIAL NEIGHBORHOOD. I OWN THE PROPERTY AT 615 Poppy Ave RIGHT NEXT DOOR. MY TENENTS PAY FOR. AND DESERVE A. RESIDENTIAL ATMOSPHERE NOT A. BUSINESS ONE. I SAY NO TO THE EXPANSION OR INCREASE OF THE DAY-CARE IN QUESTION. THE NOISE AND TRAFFIC COMING FROM THE DAY-CARE DISRUPTS MY TENENTS. AGAIN THIS INCREASE SHOULD NOT BE ALOUD IN A RESIDENTIAL NEIGHBORHOOD. WE KNOW THE PARKING PROVIDED IS NOT USED TO PICK UP OR DROP OFF KIDS THE STREET OUT FRONT IS WHERE THEY ARE DROPEd OFF AND PICKED UP.

TO ALLOW 14 CHILDREN AND HOW MANY ADULTS IN A SMALL SINGLE STORY COTTAGE IS UNCALLED FOR. COME ON ENOUGH IS ENOUGH!

This is a Residential Neighborhood
14 Kids Picked Up and Dropped Off
Daily EQUALS 28 Vehicles. Coming
And Going This has an impact
on Property Value. Please Don't
Allow this Increase. Thank You!

949-721-1424
949-945-8953
cell

Bruce Graham

Bruce Graham

ADDITIONAL
MATERIALS
RECEIVED

To: Zoning Administrator Hearing
Subject: Additonal Materials Received

Item No. 2a: Additional Materials Received
Zoning Administrator Hearing – November 28, 2012
Poppy Avenue Child Daycare MUP (PA2012-127)

From: Elisa Garrett [<mailto:elisa302@yahoo.com>]

Sent: Sunday, November 25, 2012 5:14 PM

To: Henn, Michael; Rosansky, Steven; Hill, Rush; Daigle, Leslie; Selich, Edward; Gardner, Nancy; Curry, Keith; Michael Toerge; Bradley Hillgren; Fred Ameri; Brown, Tim; Kory Kramer; Jay Myers; Larry Tucker; Kiff, Dave; Whelan, Melinda; Brine, Tony; Brandt, Kim; Wisneski, Brenda

Subject: 613 Poppy Avenue Expansion Hearing on Wednesday, 11/28/12

Dear Receiptients,

I have attached the Notice of Public Hearing on Wednesday 11/28, and Code Amendment established in 2006 regarding the request of Kate Martin to expand her daycare center from a Small Day Care Facility (8 or fewer children) to a Large Day Care Facility (9 to 14 children).

On November 16th 2006 a code amendment was passed that requires the applicant of a Large Day Care facility to receive a Use Permit from the Planning Director, approval from the Traffic Engineer, and meet Off Street Parking requirements of "2 per site" for drop off and pick up purposes (in addition to the spaces required for the dwelling units).

There are two homes on the lot at 613 Poppy where the Small Day Care Facility is operating. They have 4 parking spaces (2 covered and two in a garages).

The applicant is purposing to consider the two homes as one, and therefore use the two spaces in "The Alley" to provide drop off and pick up.

Please forward this to the Traffic Engineer, and Planning Director and ask them to PLEASE DO NOT APPROVE THIS USE PERMIT!!

The intent of the Code Amendment established in 2006 was to provide "additional parking" for a Large Day Care Facility. This is clearly a way to circumvent that.

If a Large Day facility is granted it will increase the number of children allowed from 8 to 14.

Even a samll increase in the number of children would place it in the Large Day Care Facility Use and open up the possibility for future expansion.

There would also be an increase in the care takers/employees working in the home.

The additional 6 children is almost double the existing use approved, and will cause a major impact in Noise and Congestion.

The Alley is already cramped, small, and unsafe. The day care facility is currently using the front of the home on Poppy street for drop off and pick up.

The parents park in the red in front of the hydrant, on the wrong side of the street, and impact the residents enough with traffic and noise.

Approval of this use permit would create $14 \times 2 = 28$ additional trips a day in and out of the alley between Poinsettia and Poppy with cars backed up blocking resident use at prime use hours of morning and evening.

Additionally, once approved, the State is left to enforce any infringements of "too many children", which they are not very effective at.

I see no way that the City can enforce the conditions of approval that it has placed either.

While collecting signatures I also found that none of the residents along Poinsettia received the notice, yet would be impacted by the alley congestion.

I have a petition with 19 signatures of residents surrounding 613 Poppy opposing the expansion and hope to have more by Wednesday to deliver to the Zoning Administrator.

Unfortunately many people were out of town this weekend and not around to sign or there would be even more.

The staff report is inaccurate in its findings that there have been no complaints.

There have been complaints to both the City and State and Police by both myself and other neighbors.

The staff report is also inaccurate in that the rear home is routinely rented out.

Please do not allow this to happen and create an even larger problem than the one that exists now.

Expansion of this facility is unsafe, unwanted, and unneeded.

Thank you,

Joe Garrett

(949) 205-9237

CITY OF NEWPORT BEACH - NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, November 28, 2012, at 3:30 p.m.**, or soon thereafter as the matter shall be heard, a public hearing will be conducted in the City Council Chambers (Building A) at 3300 Newport Boulevard, Newport Beach. The Zoning Administrator of the City of Newport Beach will consider the following application:

Poppy Avenue Child Daycare - A request for a minor use permit to convert an existing at-home child daycare from a small licensed facility (up to 8 children) to a large licensed facility (9-14 children). The property is developed with two detached dwelling units. The existing and proposed daycare is located in the front single-story cottage unit and front yard area adjacent to Poppy Avenue. Parking for residents and the child daycare would be provided by the existing two-car garage and two existing carport spaces (4 spaces total). Proposed hours of operation are from 7:30 a.m. to 6:00 p.m. Monday through Friday.

The project is categorically exempt under Section 15301, of the California Environmental Quality Act (CEQA) Guidelines - Class 1 (Existing Facilities)

All interested parties may appear and present testimony in regard to this application. If you challenge this project in court, you may be limited to raising only those issues you raised at the public hearing or in written correspondence delivered to the City, at, or prior to, the public hearing. Administrative procedures for appeals are provided in the Newport Beach Municipal Code Section 20.64. The application may be continued to a specific future meeting date, and if such an action occurs additional public notice of the continuance will not be provided. Prior to the public hearing the agenda, staff report, and documents may be reviewed at the Planning Division (Building C, 2nd Floor), 3300 Newport Boulevard, Newport Beach, California, 92663 or at the City of Newport Beach website at www.newportbeachca.gov/zoningadministrator. Individuals not able to attend the meeting may contact the Planning Division or access the City's website after the meeting to review the action on this application.

For questions regarding this public hearing item please contact Melinda Whelan, Assistant Planner, at (949) 644-3221, mwhelan@newportbeachca.gov.

Project File No.: PA2012-127

Activity No.: UP2012-021

Zone: R-2 (Two-Family Residential)

General Plan: RT (Two-Unit Residential)

Location: 613 Poppy Avenue

Applicant: Kate Martin

RESOLUTION NO. *

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF NEWPORT BEACH RECOMMENDING THE
ADOPTION OF CODE AMENDMENT NO. 2006-007 (PA
2006-211)**

**THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS,
RESOLVES AND ORDERS AS FOLLOWS:**

WHEREAS, on September 26, 2006, the City Council initiated amendments to Title 20 of the City of Newport Beach Municipal Code to revise land use regulations for day care centers; and

WHEREAS, public hearings were held on October 19, 2006 and November 16, 2006 in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting; and

WHEREAS, the Planning Commission finds as follows:

1. Current land use regulations for day care centers do not distinguish between facilities for children and those for adults.
2. The California Child Day Care Facilities Act allows cities to adopt reasonable standards, restrictions, and requirements for family day care homes concerning spacing and concentration, traffic control, parking, and noise control.
3. The adoption of such regulations is necessary in order to protect the character of the City's residential neighborhoods.
4. The proposed action is not defined as a project under the California Environmental Quality Act (CEQA) because it involves general policy and procedure making activities not associated with a project or a physical change in the environment (Section 15378 of the CEQA Guidelines).

NOW, THEREFORE, BE IT RESOLVED that based on the aforementioned findings, the Planning Commission hereby recommends that the City Council of the City of Newport Beach adopt Code Amendment No. 2006-007 to Title 20 of the Newport Beach Municipal Code as provided in Exhibit A.

PASSED, APPROVED AND ADOPTED THIS 16th DAY OF NOVEMBER 2006.

AYES: _____

NOES: _____

BY: _____
Jeffrey Cole, Chairman

BY: _____
Robert Hawkins, Secretary

Section 20.66.030

Revise the Off-Street Parking and Loading schedule as follows:

Off-Street Parking and Loading Spaces Required

Use Classification	Off-Street Parking Spaces	Off-Street Loading Spaces
RESIDENTIAL		
GROUP RESIDENTIAL	1 covered per 2 guest rooms.	---
<u>DAY CARE, LIMITED</u>		
<u>-LARGE FAMILY CHILD CARE HOMES</u>	<u>2 per site for drop-off and pick-up purposes (in addition to the spaces required for the dwelling unit).</u>	---

EXHIBIT A

20.05.030 Residential Use Classifications

- A. Day Care, Limited. "Day Care, Limited" means non-residential, non-medical care and supervision of ~~twelve (12)~~ fourteen or fewer persons on a less than twenty-four hour basis. This classification includes, but is not limited to, nursery schools, preschools, and day care centers for children (large and small family day care homes) and adults.

1. Large Family Child Care Homes. Day care facilities located in single-family residences where an occupant of the residence provides care and supervision for nine to fourteen children. Children under the age of 10 years who reside in the home count as children served by the day care facility.

2. Small Family Child Care Homes. Day care facilities located in single-family residences where an occupant of the residence provides care and supervision for eight or fewer children. Children under the age of 10 years who reside in the home count as children served by the day care facility.

Section 20.05.040 Public and Semipublic Land Use Classifications

- F. Day Care, General. Provision of non-medical care for ~~thirteen~~ fifteen or more persons on a less than 24-hour basis. This classification includes nursery schools, preschools, and day care centers for children or adults.

Sections 20.10.020, 20.41.050, 20.43.060 (B), 20.44.035, 20.45.030 (B)

Revise land use regulation schedules to add large family child care homes and small family child care homes, to permit large family child care homes with a use permit approved by the Planning Director, to permit small family child care homes by right, and add a cross reference to new Section 20.60.130 (Day Care Facilities for Children).

20.60.130 Day Care Facilities For Children

- A. Applicability. Day care facilities for children shall comply with the following standards. These standards shall apply in addition to those requirements imposed by the California Department of Social Services.
- B. Licensing. California Department of Social Services licensing is required for all day care facilities for children.
- C. Care Provider's Residence. Each family child care home shall be the principal residence of the care provider and the use shall be clearly residential in character, and be incidental and secondary to the use of the property as a residence.
- D. Additional Standards. Each family child care home shall comply with applicable building and fire Codes, and standards adopted by the State, and Social Services Department licensing requirements (California Code of Regulations, Title 22, Division 2).
- E. Use Permit Required for Large Family Child Care Homes. In addition to the requirements of Section 20.60.130 A-D, large family child care homes shall require a use permit issued by the Planning Director. The Planning Director shall approve the use permit if the large family child care home complies with Section 20.60.130 A-D and the following:
1. Separation Requirement. No large family child care home within a residential district shall be located within 500 feet of an existing large family child care home or other day care facility.
 2. Drop-off/Pick-up Area. A minimum of 2 off-street parking spaces as a drop-off and pick-up area shall be provided in addition to those required for the dwelling unit. A driveway may be used to provide these spaces, provided it is approved by the Traffic Engineer based on traffic and pedestrian safety considerations.
 3. Noise. In order to protect adjacent residential dwellings from noise impacts, a facility within a residential district may only operate a maximum of 14 hours for each day between the hours of 6:00 a.m. and 8:00 p.m. and may only conduct outdoor activities between the hours of 7:00 a.m. and 7:00 p.m.

Representative Parking Standards for Large Family Child Care Homes

Community	Standard
Costa Mesa	The city council may adopt general standards that may be applied to large family day care home applications on a case-by-case basis. The final review authority may use these standards to impose conditions upon the approval to achieve the purposes set forth in section 13-31 and to maintain neighborhood stability and cohesiveness.
Dana Point	1 stall/2 employees, plus 1 stall/5 children, based on facility capacity.
Laguna Beach	1 space for each staff member, plus, 1 space for each 5 children, or 1 space for each 10 children where a circular driveway or its equivalent, designed for the continuous flow of passenger vehicles for the purpose of loading and unloading children and capable of simultaneously accommodating at least 2 such vehicles, is provided on the site.
San Clemente	A passenger loading plan shall be approved by the decision-making body having authority over the permit for the large family day care home.
Cotati	<p>A minimum of two off-street parking spaces shall be provided in addition to those required by Section 17.36.040 (Number of Parking Spaces Required) for the single-family dwelling. The driveway may be used to provide these spaces, if the driveway is of sufficient length to accommodate the parking of two vehicles without either blocking any sidewalk or other pedestrian access.</p> <p>A home located on a site with no on-street parking immediately in front of the site shall provide two offstreet parking spaces for drop-offs in addition to the spaces required by Subsection C.2.a.</p> <p>A home located on a street with a speed limit of 30 miles per hour or greater shall provide two off-street parking spaces for drop-offs in addition to the spaces required by Subsection C.2.a, that are designed to prevent vehicles from backing onto the street (e.g., circular driveway).</p>
Loomis	<p>3 spaces minimum; may include spaces provided to fulfill residential parking requirements and on-street parking so long as it abuts the site.</p> <p>At least two off-street parking spaces shall be provided exclusively for dropping off and picking up children. The driveway may be used to provide the off-street parking required by Section 13.36.040, if the parking will not obstruct any required drop-off and pick up areas nor block any sidewalks or other public access. Alternative parking and drop-off arrangements may be approved by the director based on traffic and pedestrian safety considerations.</p> <p>A home located on a street with a speed limit of thirty-five miles per hour or greater shall provide a drop-off/pick-up area designed to prevent vehicles from backing onto the street (e.g. circular driveway).</p>
Novato	<p>1 space per employee, in addition to required residential spaces.</p> <p>Off-street parking shall be as determined through use permit approval, but shall be a minimum of one space per employee on the largest shift.</p> <p>A safe area for picking up and dropping off children shall be provided. This activity shall only be allowed in a driveway, in an approved parking area, or in an area with direct access to the facility.</p> <p>The use shall not negatively impact on-street parking in the neighborhood.</p>
Sonoma	All dwellings used for large family day care facilities shall provide at least three (3) automobile parking spaces. These may include spaces already provided to fulfill residential parking requirements and on-street parking so long as it abuts the site.

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ATTACHMENT A

16

**CITY OF NEWPORT BEACH
PLANNING COMMISSION STAFF REPORT**

Agenda Item No. 6
November 16, 2006

TO: PLANNING COMMISSION

FROM: Planning Department
Patrick J. Alford, Senior Planner
(949) 644-3235
palford@city.newport-beach.ca.us

SUBJECT: Code Amendment 2006-007
Day Care Regulations (PA 2006-211)

ISSUE:

Should Title 20 (Zoning Code) of the Newport Beach Municipal Code be amended to revise the land use regulations to distinguish day care centers for children and those for adults and establish spacing, concentration, and operational standards?

RECOMMENDATION:

Adopt the attached resolution recommending approval of Code Amendment No. 2006-007 to the City Council.

DISCUSSION:

Background:

Large Family Child Care Homes are day care facilities located in residences where an occupant of the residence provides care and supervision of no more than fourteen (14) children. The California Child Day Care Facilities Act preempts local land use regulations, but allows cities and counties to adopt reasonable standards, restrictions, and requirements for Large Family Child Care Homes, including those concerning parking. The proposed code amendment include a requirement that a drop-off/pick-up area must be identified and approved by the City's Traffic Engineer. This was the only parking standard proposed.

The Planning Commission held a public hearing on the proposed code amendment on October 19, 2006. The Commission continued the hearing and directed staff to return with an off-street parking requirement.

Analysis:

A review of other communities that have adopted standards for Large Family Child Care Homes require a drop-off/pick-up area or off-street parking spaces based on the number of children and/or employees, or both. Some communities place additional restrictions on drop-off/pick-up areas that require vehicles to back out onto arterial streets or streets with speed limits of 30 or 35 miles per hour or higher. Representative standards from a number of communities are provided in Attachment A.

The Institute of Transportation Engineers (ITE) publication *Parking Generation* contains information on parking demand rates for various land uses. The ITE database includes an analysis of 17 suburban and 21 urban day care locations, 75 percent of which were located in Tennessee. This data is taken from large commercial day care facilities and not the smaller, residentially-based Family Child Care Homes. These facilities averaged 85 children, 17 employees, and 4,200 square feet of gross floor area. Nevertheless, this data can provide a benchmark to determine the appropriate off-street parking requirement.

The ITE analysis indicates an average peak period parking demand from 0.09 to 0.51 vehicles per child with an average of 0.24 vehicles per child. Vehicles per employee ranged from 0.53 to 2.50 with an average of 1.35 vehicles per employee. Vehicles per square foot ranged from 1.18 to 8.67 per 1,000 square feet of gross floor area with an average of 3.16 vehicles per 1,000 square feet of gross floor area. Counts were taken between 7:00 and 9:00 a.m. and between 4:00 and 6:00 p.m.

Basing the parking requirement on the number of children or employees would be problematic since it would be difficult to verify and the numbers may vary over time. Therefore, establishing a set minimum number of off-street parking spaces per site is recommended.

After reviewing the requirements from other communities and the ITE analysis, staff believes that two (2) off-street parking spaces should be sufficient to accommodate the parking demand for a facility with fourteen (14) children or less. This requirement would be in addition to the two (2) off-street parking spaces required for the dwelling unit. A driveway may be used for this purpose, provided the City's Traffic Engineer has approved it as safe for dropping off and picking up children.

Environmental Review:

The proposed action is not defined as a project under the California Environmental Quality Act (CEQA) because it involves general policy and procedure-making activities not associated with a project or a physical change in the environment (Section 15378 of the CEQA Guidelines).

Public Notice:

Notice of the October 19, 2006 hearing was published in the *Daily Pilot* a minimum of 10 days in advance of this hearing consistent with the Municipal Code. This included an eighth page advertisement. Additionally, the item appeared upon the agenda for this meeting, which was posted at City Hall and on the City website.

Prepared by:

Submitted by:


Patrick J. Atford
Senior Planner


David Lepo
Planning Director

Attachments:

- A. Representative parking standards for Large Family Child Care Homes.
- B. Draft resolution.
- C. October 19, 2006 Planning Commission staff report.

CITY OF NEWPORT BEACH

PLANNING COMMISSION STAFF REPORT

Agenda Item No. 5
October 19, 2006

TO: PLANNING COMMISSION

FROM: Planning Department
Patrick J. Alford, Senior Planner
(949) 644-3235
palford@city.newport-beach.ca.us

SUBJECT: Code Amendment 2006-007
Day Care Regulations (PA 2006-211)

ISSUE:

Should Title 20 (Zoning Code) of the Newport Beach Municipal Code be amended to revise the land use regulations to distinguish day care centers for children and those for adults and establish spacing, concentration, and operational standards?

RECOMMENDATION:

Adopt the attached resolution recommending approval of Code Amendment No. 2006-007 to the City Council.

DISCUSSION:

Background:

The City Council initiated the proposed amendment on September 26, 2006.

Introduction:

The proposed amendment is intended to address the concern of potential over concentration of day care centers in residential neighborhoods. Day care facilities supervising twelve (12) or fewer persons (Day Care, Limited) are permitted by right in residential, commercial, and institutional zoning districts, while day care facilities supervising thirteen (13) or more persons (Day Care, General) require a use permit. The concern is that large day care centers could be established on abutting single-family residential lots or within dwelling units on a two-family or multifamily residential lot. Thus, a residential neighborhood would be impacted by what is effectively a large day care facility, but without the regulatory controls of a use permit.

The City's regulation of day care centers reflects the California Child Day Care Facilities Act. This State law prohibits cities and counties from prohibiting "family day care homes" for children on lots zoned for single-family dwellings. This preemption establishes two types of family day care facilities: "small family day care homes for eight (8) children or less and "large family day care homes" for seven (7) to fourteen (14) children¹. Furthermore, cities and counties are required to either permit large family day care homes by right in residential zones or grant nondiscretionary permits for large family day care homes in single-family zones. Reasonable standards, restrictions, and requirements concerning spacing and concentration, traffic control, parking, and noise control are permitted.

The Zoning Code does not incorporate all of the distinctions provided for under the State law. Both small and large day care facilities for children are included in the Day Care, Limited land use classification, which includes facilities for children or adults. Furthermore, the Zoning Code contains no regulations regarding spacing and concentration, traffic control, parking, and noise control.

Analysis:

The proposed amendment revises the land use regulations to distinguish day care centers for children and those for adults, as provided for under State law. This involves adding two new subgroups under the Day Care, Limited land use classification: Large Family Child Care Homes for nine (9) to fourteen (14) children and Small Family Child Care Homes for eight (8) or fewer children.

Small family child care homes must be permitted by right. However, State law allows the City the option of requiring a use permit for large family child care homes. The use permit must be nondiscretionary, meaning that it must be approved if the large family child care home complies with all local regulations. Therefore, it is proposed that large family child care homes require a use permit issued by the Planning Director.

The proposed amendment adds a new section to the Zoning Code (Section 20.60.130) that requires all family child care homes (small and large) to be the principal residence of the care provider, to be licensed by the State, and comply with applicable building and fire codes and any standards adopted by the State. These are all State requirements, but referencing them in the Zoning Code allows for local enforcement.

As stated earlier, State law allows the City to adopt reasonable standards, restrictions, and requirements for large family child care homes concerning spacing and concentration, traffic control, parking, and noise control. Therefore, the proposed amendment adds a new section to the Zoning Code (Section 20.60.130), which includes the following

¹ The Zoning Code does currently not reflect the change in State law that increased the size of small family day care homes from 6 to 8 children and large family day care homes from 12 to 14.

standards:

- Spacing/Concentration. A large family child care home must be located at least five hundred (500) feet from an existing day care center.
- Drop-off/Pick-up. A drop-off/pick-up area must be identified and approved by the City's Traffic Engineer.
- Noise. A large family child care home may only operate a maximum of fourteen (14) hours for each day between the hours of 6:00 a.m. and 8:00 p.m. and may only conduct outdoor activities between the hours of 7:00 a.m. and 7:00 p.m.

Environmental Review:

The proposed action is not defined as a project under the California Environmental Quality Act (CEQA) because it involves general policy and procedure-making activities not associated with a project or a physical change in the environment (Section 15378 of the CEQA Guidelines).

Public Notice:

Notice of this hearing was published in the *Daily Pilot* a minimum of 10 days in advance of this hearing consistent with the Municipal Code. This included an eighth page advertisement. Additionally, the item appeared upon the agenda for this meeting, which was posted at City Hall and on the City website.

Prepared by:

Submitted by:

Patrick J. Alford
Senior Planner

Patricia L. Temple
Planning Director

Attachments:

1. Draft resolution.

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To: Zoning Administrator Hearing
Subject: Additonal Materials Received

Item No. 2b: Additional Materials Received
Zoning Administrator Hearing - November 28, 2012
Poppy Avenue Child Daycare MUP

-----Original Message-----

From: Shawna Coleman [<mailto:smcpharlin@yahoo.com>]
Sent: Monday, November 26, 2012 8:20 AM
To: Gardner, Nancy
Cc: Wisneski, Brenda
Subject: 613 Poppy Expanded Day Care-Oppose

Dear Mayor Gardner,

I am writing to express my concern and opposition to the day care expansion at 613 Poppy. Our family lives at 612.5 Poinsettia, which is directly behind the location (we back up to the alley and the garage of 613 Poppy it would be vey dangerous and congested to have additional cars, and children in this area. Thank you for your consideration.

Respectfully,
Shawna and Bill Coleman
(714) 337-4968

Sent from my iPad

To: Zoning Administrator Hearing
Subject: Additonal Materials Received

Item No. 2c: Additional Materials Received
Zoning Administrator Hearing – November 28, 2012
Poppy Avenue Child Daycare MUP (PA2012-127)

From: Meghan Ware [<mailto:waremeghan@yahoo.com>]
Sent: Tuesday, November 27, 2012 10:10 AM
To: Wisneski, Brenda; Gardner, Nancy
Subject: Oppose: 613 Poppy Avenue Child Daycare from small to large facility

I live at 3731 4th Avenue in Corona del Mar, just a few houses away from the daycare facility and cannot attend the public hearing, but wanted to be sure that my opposition to the enlargement of the daycare facility in my neighborhood is heard.

Not only will this increase cause traffic congestion and increased noise in my beautiful neighborhood, it will impact the value of my home which was already reduced due to the housing bubble.

Please do not allow one resident's desire to increase their business efforts in a beautiful Corona del Mar neighborhood impact all of their neighbors.

Thanks,
Meghan Ware
3731 4th Avenue
Corona del Mar, CA 92625

To: Zoning Administrator
Subject: Additional Materials Received

Item No. 2e: Additional Material Received
Zoning Administrator Hearing-November 28, 2012
Poppy Avenue Child Daycare MUP (PA2012-0127)

From: **Mike Jan Franklin** <mikejanfranklin@gmail.com>
Date: Tue, Nov 27, 2012 at 6:02 PM
Subject: 613 Poppy
To: ngardner@newportbeachca.gov
Cc: MikeJan Franklin <mikejanfranklin@gmail.com>

Dear Ms. Gardner,

I am writing you in regard to
613 Poppy Ave
Project File number PA 2012-127
Applicant Kate Martin

Hearing November 28th at 3:30 PM

We live and own at 620 and 620 1/2 Poinsettia Ave. We are out of town but it has come to my attention that at 613 Poppy Kate Martin wants to expand her child care facility to a larger one. She currently is permitted up 8 children and is asking for up 14 children.

Since our garage is on the same alley that the day care is, our concern is the congestion in the alley that will incur with more cars dropping off and picking up the children. That could up to 14 cars at a time. The parents are not going to park their cars on the streets to unload and load their kids. They will continue to use the alley for this purpose. We have enough car traffic as it is on this alley. Saying there is 4 parking places for the residents and daycare is correct to a point. It's 2 condos with 4 cars. There isn't parking for the daycare other then the owners cars. Also the noise levels will increase with more children. I could not and would not live next to or even near this child care facility. The hours 7:30 am to 6:00 pm can not be enforced. I could even guess there will be sleep overs.

What happens to the value of the houses next door or even 2 doors down? Who would buy those houses. I wouldn't. We like to think we have a quiet neighborhood away from the noise of Coast Hwy. That is why we bought where we bought.

This is small business in a residential area that is becoming a major business in a residential area. If you allow this we feel you will be opening pandoras box and other businesses will apply for the same expansions in a residential area.

We strongly oppose this expansion.

Sincerely

Mike and Jan Franklin

Comments on November 28, 2012 Zoning Administrator Agenda Items

Comments by: Jim Mosher (jimmosher@yahoo.com), 2210 Private Road, Newport Beach 92660 (949-548-6229)

Item B. Minutes Of November 14, 2012

Under "Item No. 4" on page 2, I believe the applicant's business name (as reflected in most of their submissions in the agenda packet, as well as on the door of their business) is "**Orangetheory Fitness**" (first word all one word) rather than "**Orange Theory Fitness**".

Item No. 2. Poppy Avenue Child Daycare - Minor Use Permit

In the staff report:

- Based on the public correspondence, it would seem the staff report could have been more clear that the proposed approval is for a maximum of 10 children, rather than 14.
- The boilerplate statement under "APPEAL PERIOD" on page 3 --

"An appeal may be filed with the Director of Community Development or City Clerk, as applicable..."

is potentially confusing to, and burdensome upon, the public, since it seemingly requires them to determine who is "applicable." Although the language is copied from Section 20.64.030.B.1 of the Zoning Code, staff knows Zoning Administrator decisions can *only* be appealed to the Planning Commission, and Section 20.64.030.B.1.a says such appeals are to be filed with the Director of Community Development. Since the City Clerk will never be "applicable" to an appeal of a Zoning Administrator decision, it is confusing to suggest she might be.

- Also, the boilerplate suggests the Zoning Administrator *might*, under Title 19, be rendering decisions on tentative *tract* maps (as well as tentative *parcel* maps). This is not true: the Planning Commission is the original review authority for tract maps.
- All in all, rather than attempting to use one-size-fits all boilerplate, it would be a convenience to the public to simply state staff's understanding of the appeal rules that apply to the case to which the report applies – as is done at the end of the Draft Resolution.

In the draft resolution:

- The statement under the title says “THE *PLANNING COMMISSION* OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS.” I assume this was meant to say “*Zoning Administrator*”?
- In Section 1, “**Statement of Facts 5**” erroneously suggests a hearing was held before the “*Planning Commission*”. I assume this was meant to say “*Zoning Administrator*”?
- The CEQA finding under Section 2 seems debatable. The request is clearly for an “*expansion of the existing use,*” and at some point such expansion must be more than “*negligible.*”
- In Section 3:
 - “**Finding A**” would seem to require further explanation. Even though it may be licensed, it is far from obvious that operation of a commercial day care center is consistent with a General Plan designation of “*Two Unit Residential—RT*”. Surely not all commercial/institutional uses are?
 - “**Facts in Support of Finding B.4**” (stating that the front cottage is both the site of the day care operation *and* the operators primary residence) leaves it unclear what the rear unit is used for.
 - “**Facts in Support of Finding D.2**” (that the small facility complied with Fire Regulations in 2000) leaves it less than obvious that an expanded facility would comply with current regulations.
 - The intent of “**Condition of Approval 3**” would be clearer if it said “*and neither unit shall be rented independently*” rather than “*and the rear unit shall not be rented independently.*” The draft language might allow the owner to live (and operate the day care) in the rear unit while renting the front unit.
 - Based on the staff report description of the operation, “**Condition of Approval 4**” (requiring access to the day care through the alley) seems unrealistic. If the day care and play areas are in the front unit, fronting Poppy, it seems natural parents will drop off and pick up their children there and the City will realistically have little means to discourage that on an on-going basis. The correspondence from the public appears to confirm this.
 - “**Condition of Approval 7**” should presumably leave to the Zoning Administrator (rather than the Community Development Director) any future decision to increase the size of the day care operation above the 10 authorized by the resolution. Allowing the Community Development Director to modify the publicly agreed to cap through a non-public process essentially renders meaningless the present hearing. In addition, it is inconsistent with **Condition 12** which would

seem to require a Zoning Administrator approved modification to the permit for
"Any change in operational characteristics."

Item No. 3. Sweet Lady Jane Bakery Minor Use Permit

In the staff report:

- Under "**Recommendation 2**" on page 1, there seems to be an extraneous "No." after "UP2012-024" – or else something is missing.
- In the third bullet point on page 2 (handwritten page 3), the interpretation of Zoning Code Section 20.38.060 (Nonconforming Parking), erroneously referred to as a "Chapter," seem debatable since the cited subsection (20.38.060.B) is prefaced by words saying it applies to "*nonresidential structures*," not to structures in a "*nonresidential zoning district*." According to the staff report this is, at least partially, a residential structure.
- With regard to the "APPEAL PERIOD" explanation on page 3 (handwritten page 4), the same comment applies as under Item 2, above.

In the draft resolution:

- In Section 1, "**Statement of Facts 5**" erroneously suggests a hearing was held before the "*Planning Commission*". I assume this was meant to say "*Zoning Administrator*"?
- In Section 3, in "**Facts in Support of Finding B.4**," *Chapter* 20.38.060 is, as noted above, actually *Section* 20.38.060.
- Even assuming Zoning Code Section 20.38.060 applies, I find questionable the implication of "**Facts in Support of Finding B.5**" that a parking calculation leads to a conclusion of "*no intensification*" of use, and that the change is therefore compliant with Section 20.38.060 ("**Facts in Support of Finding B.6**"). The Zoning Code defines "Intensity" as "*Relative measure of development impact as defined by physical and operational characteristics (e.g., number of dwelling units per acre, amount of parking required, amount of traffic generated, etc.)*," and although the official amount of parking may be the same, I would think that a successful and attractive bakery (especially one simultaneously seating 20 patrons) is likely to generate more traffic than a palm reader. The bakery use is also likely to have more need for deliveries than the palm reader use, which would seem a problem with no dedicated parking. Does the bakery itself intend to have vehicles for making home deliveries, and if so, where would they park?
- "**Facts in Support of Finding C.4**" contains a couple of grammatical typos:
 - "*located less than 500 feet ~~of from~~ a residential district*"
 - "*and is at a level below the alley*"
- "**Facts in Support of Finding D.2**" ("*Adequate public and emergency vehicle access, public services, and utilities are provided on-site and are accessed by way of the alley directly behind the site.*") seems confusing in view of the previous finding that the operation is at a level below the alley.
- Is there a typo in "**Condition of Approval 8**"? How does one "*incorporate into the Building Division*"?